

Fed. R. Civ. P. 50
Local Rule 2100-8
Jury Trial

Hostmann v. Marine Consultants, Inc., et al., Adv. No. 95-3601,
Civ No. 97-1020-FR
In re W.S., Inc., 394-36434-dds7

10/15/98

FRYE

Unpublished

The bankruptcy court determined that a right to jury trial existed in this adversary proceeding, that a timely demand for a jury trial was made, and the parties did not consent to the bankruptcy court presiding at the jury trial. The bankruptcy court conducted pretrial proceedings through the pretrial order (including summary judgment on issues as to which no right to jury trial existed - see P96-22(7)) and transmitted the adversary proceeding to the district court for jury trial pursuant to Local Rule 2100-8.

The matter was set for a four day jury trial before Judge Frye. At the conclusion of plaintiff/trustee's case, Judge Frye granted defendants' Fed. R. Civ. P. 50 motion for judgment as a matter of law and dismissed the case on the merits without opinion.

P98-13(3)

See also P97-28(7).

FILED

'98 OCT 19 A10:25

1998 OCT 15 A 2:33

LOC'D _____ REC'D _____
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CLERK, U.S. DISTRICT COURT
DISTRICT OF OREGON
PORTLAND, OREGON

BY _____

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lod 10/19/98

Certified to be a true and correct
copy of original filed in my office.

Date: 10-16-98

Donald M. Cinnamond, Clerk

By: *J. Hartsoff* Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

In re:
WS, INC., aka West State, Inc.,
Debtor.

EDWARD C. HOSTMANN, TRUSTEE,

Plaintiff,

v.

MARINE CONSULTANTS, INC. and SIPCO
SERVICES & MARINE, INC.,

Defendants.

CIVIL NO. 97-1020-FR

JUDGMENT

Adv 95-3601


This action came on for trial before the court and a jury, Honorable Helen J. Frye,
District Judge, presiding. Plaintiff presented evidence and rested. Defendants made a
motion for a judgment as a matter of law pursuant to FRCP 50, and the court granted
defendants' motion.

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THEREFORE, IT IS ORDERED AND ADJUDGED that plaintiff's action be dismissed on the merits, and that defendants recover from plaintiff its costs of action.

DATED this 14 day of October, 1998.


Helen J. Frye
Senior United States District Judge

Submitted By:

ATER WYNNE LLP

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